

**[SEC. 4. ADMINISTRATION OF FORT DONELSON NATIONAL BATTLEFIELD.]**

[The Secretary of the Interior shall administer the Fort Donelson National Battlefield in accordance with this Act and the laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (commonly known as the National Park Service Organic Act; 16 U.S.C. 1 et seq.), and the Act of August 21, 1935 (commonly known as the Historic Sites, Buildings, and Antiquities Act; 16 U.S.C. 461 et seq.).]

**[SEC. 5. RELATION TO LAND BETWEEN THE LAKES NATIONAL RECREATION AREA.]**

[The Secretary of Agriculture and the Secretary of the Interior shall enter into a memorandum of understanding to facilitate cooperatively protecting and interpreting the remaining vestige of Fort Henry and other remaining Civil War resources in the Land Between the Lakes National Recreation Area affiliated with the Fort Donelson campaign.]

**[SEC. 6. REPEAL OF OBSOLETE PROVISIONS AND CONFORMING AMENDMENTS.]****[(a) REPEALS.—]**

[(1) 1928 LAW.—The first section and sections 2 through 7 of the Act of March 26, 1928 (16 U.S.C. 428a–428f), are repealed.]

[(2) 1937 LAW.—Section 3 of the Act of August 30, 1937 (16 U.S.C. 428d–3), is repealed.]

[(3) 1960 LAW.—Sections 4 and 5 of Public Law 86–738 (16 U.S.C. 428n, 428o) are repealed.]

**[(b) CONFORMING AMENDMENTS.—]**

[(1) 1928 LAW.—The Act of March 26, 1928, is amended—]

[(A) in section 8 (16 U.S.C. 428g), by striking “Secretary of War” and inserting “Secretary of the Interior”];

[(B) in section 9 (16 U.S.C. 428h)—]

[(i) by striking “Fort Donelson National Park” and inserting “Fort Donelson National Battlefield”]; and

[(ii) by striking “Secretary of War” and inserting “Secretary of the Interior”]; and

[(C) in section 10 (16 U.S.C. 428i), by striking “Secretary of War” and inserting “Secretary of the Interior”].

[(2) 1937 LAW.—The Act of August 30, 1937, is amended—]

[(A) in the first section (16 U.S.C. 428d–1)—]

[(i) by striking “Fort Donelson National Military Park” and inserting “Fort Donelson National Battlefield”]; and

[(ii) by striking “War Department” and inserting “Department of the Army”]; and

[(B) in section 2 (16 U.S.C. 428d–2)—]

[(i) by striking “Fort Donelson National Military Park” and inserting “Fort Donelson National Battlefield”];

[(ii) by striking “said national military park” and inserting “Fort Donelson National Battlefield”]; and

[(iii) by striking the last sentence.]

[(3) 1960 LAW.—The first section of Public Law 86–738 (16 U.S.C. 428k) is amended—]

[(A) by striking “Fort Donelson National Military Park” and inserting “Fort Donelson National Battlefield”]; and

[(B) by striking “, but the total area commemorating the battle of Fort Donelson shall not exceed 600 acres”].]

**SECTION 1. SHORT TITLE.**

*This Act may be cited as the “Fort Donelson National Battlefield Expansion Act of 2004”.*

**SEC. 2. FORT DONELSON NATIONAL BATTLEFIELD.**

(a) DESIGNATION; PURPOSE.—*There exists as a unit of the National Park System the Fort Donelson National Battlefield to commemorate—*

(1) the Battle of Fort Donelson in February 1862; and

(2) the campaign conducted by General Ulysses S. Grant and Admiral Andrew H. Foote that resulted in the capture of Fort Donelson by Union forces.

(b) BOUNDARIES.—*The boundary of the Fort Donelson National Battlefield is revised to include the site of Fort Donelson and associated land that has been acquired by the Secretary of the Interior for administration by the National Park Service, including Fort Donelson National Cemetery, in Stewart County, Tennessee and the site of Fort Heiman and associated land in Calloway County, Kentucky, as generally depicted on the map entitled “Fort Donelson National Battlefield Boundary Adjustment” numbered 328/80024, and dated September 2003. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.*

(c) EXPANSION OF BOUNDARIES.—*The Fort Donelson National Battlefield shall also include any land acquired pursuant to section 3.*

**SEC. 3. LAND ACQUISITION RELATED TO FORT DONELSON NATIONAL BATTLEFIELD.**

(a) ACQUISITION AUTHORITY.—*Subject to subsections (b) and (c), the Secretary of the Interior may acquire land, interests in land, and improvements thereon for inclusion in the Fort Donelson National Battlefield. Such land, interests in land, and improvements may be acquired by the Secretary only by purchase from willing sellers with appropriated or donated funds, by donation, or by exchange with willing owners.*

(b) LAND ELIGIBLE FOR ACQUISITION.—*The Secretary of the Interior may acquire land, interests in land, and improvements thereon under subsection (a)—*

(1) *within the boundaries of the Fort Donelson National Battlefield described in section 2(b); and*

(2) *outside such boundaries if the land has been identified by the American Battlefield Protection Program as part of the battlefield associated with Fort Donelson or if the Secretary otherwise determines that acquisition under subsection (a) will protect critical resources associated with the Battle of Fort Donelson in 1862 and the Union campaign that resulted in the capture of Fort Donelson.*

(c) BOUNDARY REVISION.—*Upon acquisition of land or interests in land described in subsection (b)(2), the Secretary of the Interior shall revise the boundaries of the Fort Donelson National Battlefield to include the acquired property.*

(d) LIMITATION ON TOTAL ACREAGE OF PARK.—*The total area encompassed by the Fort Donelson National Battlefield may not exceed 2,000 acres.*

**SEC. 4. ADMINISTRATION OF FORT DONELSON NATIONAL BATTLEFIELD.**

*The Secretary of the Interior shall administer the Fort Donelson National Battlefield in accordance with this Act and the laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (commonly known as the National Park Service Organic Act; 16 U.S.C. 1 et seq.), and the Act of August 21, 1935 (commonly known as the Historic Sites, Buildings, and Antiquities Act; 16 U.S.C. 461 et seq.).*

**SEC. 5. RELATION TO LAND BETWEEN THE LAKES NATIONAL RECREATION AREA.**

*The Secretary of Agriculture and the Secretary of the Interior shall enter into a memorandum of understanding to facilitate cooperatively protecting and interpreting the remaining vestige of Fort Henry and other remaining Civil War resources in the Land Between the Lakes National Recreation Area affiliated with the Fort Donelson campaign.*

**SEC. 6. CONFORMING AMENDMENT.**

*The first section of Public Law 86–738 (16 U.S.C. 428k) is amended by striking “Tennessee” and all that follows through the period at the end and inserting “Tennessee.”.*

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 524), as amended, was passed.

**CITY OF CHEYENNE, WYOMING KENDRICK WATER STORAGE PROJECT**

The Senate proceeded to consider the bill (S. 943) to authorize the Secretary of the Interior to enter into one or more contracts with the city of Cheyenne, Wyoming, for the storage of water in the Kendrick Project, Wyoming, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 943

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**[SECTION 1. WATER STORAGE CONTRACTS.]**

[(a) DEFINITIONS.—In this Act:

[(1) CITY.—The term “city” means—

[(A) the city of Cheyenne, Wyoming;

[(B) the Board of Public Utilities of the city; and

[(C) any agency, public utility, or enterprise of the city.]

[(2) KENDRICK PROJECT.—

[(A) IN GENERAL.—The term “Kendrick Project” means the Bureau of Reclamation project on the North Platte River in the State constructed for irrigation and the generation of electric power.

[(B) INCLUSIONS.—The term “Kendrick Project” includes—

[(i) the Seminole dam, reservoir, and powerplant; and

[(ii) the Alcova dam and powerplant.

[(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of Reclamation.

[(4) STATE.—The term “State” means the State of Wyoming.

[(b) CONTRACTS.—

[(1) IN GENERAL.—The Secretary may enter into 1 or more contracts with the city for the annual storage in Seminole dam and reservoir of the Kendrick Project of water for municipal and industrial uses.

[(2) TERM; RENEWAL.—A contract under paragraph (1)—

[(A) shall have a term of not more than 40 years; and

[(B) may be renewed, subject to any terms agreed to by the Secretary and the city, for additional 40-year terms.

[(3) DISPOSITION OF PROCEEDS.—

[(A) IN GENERAL.—Except as provided in subparagraph (B), any proceeds received under a contract under paragraph (1) shall—

[(i) be deposited in the reclamation fund established under the first section of the Act of June 17, 1902 (43 U.S.C. 391); and

[(ii) be available for the Kendrick Project.

[(B) OPERATION AND MAINTENANCE.—Any amounts collected as payments for the operation and maintenance charges of the Kendrick Project under the contract under paragraph (1) shall be credited against applicable operation and maintenance costs of the Kendrick Project.

[(4) EFFECT.—A contract under paragraph (1) shall not affect Kendrick Project contractors or any other existing reclamation contractors on the North Platte River system.]

**SECTION 1. WATER STORAGE CONTRACTS.**

(a) DEFINITIONS.—In this Act:

(1) CITY.—The term “city” means—

(A) the city of Cheyenne, Wyoming;

(B) the Board of Public Utilities of the city; and

(C) any agency, public utility, or enterprise of the city.

(2) **KENDRICK PROJECT.**—The term “Kendrick Project” means the Bureau of Reclamation project on the North Platte River that was authorized by a finding of feasibility approved by the President on August 30, 1935, and constructed for irrigation and electric power generation, the major features of which include—

(A) *Seminole Dam, Reservoir, and Powerplant; and*

(B) *Alcova Dam and Powerplant.*

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(4) **STATE.**—The term “State” means the State of Wyoming.

(b) **CONTRACTS.**—

(1) **IN GENERAL.**—The Secretary may enter into 1 or more contracts with the city for annual storage of the city’s water for municipal and industrial use in *Seminole Dam and Reservoir of the Kendrick Project.*

(2) **CONDITIONS.**—

(A) **TERM; RENEWAL.**—A contract under paragraph (1) shall—

(i) *have a term of not more than 40 years; and*

(ii) *may be renewed on terms agreeable to the Secretary and the city, for successive terms of not more than 40 years per term.*

(B) **REVENUES.**—Notwithstanding the Act of May 9, 1938 (52 Stat. 322, chapter 187; 43 U.S.C. 392a)—

(i) *any operation and maintenance charges received under a contract executed under paragraph (1) shall be credited against applicable operation and maintenance costs of the Kendrick Project; and*

(ii) *any other revenues received under a contract executed under paragraph (1) shall be credited to the Reclamation Fund as a credit to the construction costs of the Kendrick Project.*

(C) **EFFECT ON EXISTING CONTRACTORS.**—A contract under paragraph (1) shall not adversely affect the Kendrick Project, any existing Kendrick Project contractor, or any existing Reclamation contractor on the North Platte River System.

Amend the title so as to read: “A bill to authorize the Secretary of the Interior to contract with the city of Cheyenne, Wyoming, for the storage of the city’s water in the Kendrick Project, Wyoming.”

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 943), as amended, was passed.

## HAWAII WATER RESOURCES ACT OF 2004

The Senate proceeded to consider the bill (S. 960) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize certain projects in the State of Hawaii and to amend the Hawaii Water Resources Act of 2000 to modify the water resources study, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

[Strike the parts shown in black brackets and insert the parts shown in italic.]

S. 960

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the “Hawaii Water Resources Act of [2003] 2004”.

### SEC. 2. HAWAII RECLAMATION PROJECTS.

(a) **IN GENERAL.**—The Reclamation Wastewater and Groundwater Study and Facilities

Act (43 U.S.C. 390h et seq.) is amended by adding at the end the following:

### “SEC. [1636] 1637. HAWAII RECLAMATION PROJECTS.

“(a) **AUTHORIZATION.**—The Secretary may—  
“(1) in cooperation with the Board of Water Supply, City and County of Honolulu, Hawaii, participate in the design, planning, and construction of a project in Kalaeloa, Hawaii, to desalinate and distribute seawater for direct potable use within the service area of the Board;

“(2) in cooperation with the County of Hawaii Department of Environmental Management, Hawaii, participate in the design, planning, and construction of facilities in Kealahou, Hawaii, for the treatment and distribution of recycled water and for environmental purposes within the County; and

“(3) in cooperation with the County of Maui Wastewater Reclamation Division, Hawaii, participate in the design, planning, and construction of, and acquire land for, facilities in Lahaina, Hawaii, for the distribution of recycled water from the Lahaina Wastewater Reclamation Facility for non-potable uses within the County.

“(b) **COST SHARE.**—The Federal share of the cost of a project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

“(c) **LIMITATION.**—Funds provided by the Secretary shall not be used for the operation and maintenance of a project described in subsection (a).

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.”

(b) **CONFORMING AMENDMENT.**—The table of sections in section 2 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. prec. 371) [is amended by inserting after the item relating to section 1634 the following:

“[“Sec. 1636. Hawaii reclamation projects.”.

### SEC. 3. HAWAII WATER RESOURCES STUDY.

[The Hawaii Water Resources Act of 2000 is amended—

“(1) in section 103(e) (114 Stat. 2819), by striking “\$300,000” and inserting “\$2,000,000”; and

“(2) in section 104(b) (114 Stat. 2819), by striking “cost-effective,” and all that follows through the period at the end and inserting “cost-effective.”.]

*is amended by inserting after the item relating to section 1636 the following:*

“Sec. 1637. Hawaii reclamation projects.”.

The committee amendments were agreed to.

The bill (S. 960), as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

## RECREATIONAL FEE AUTHORITY ACT OF 2004

The Senate proceeded to consider the bill (S. 1107) to enhance the Recreational Fee Demonstration Program for the National Park Service, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

[Strike in parts shown in black brackets and insert the parts shown in italic.]

S. 1107

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the “Recreational Fee Authority Act of [2003] 2004”.

### SEC. 2. RECREATION FEE AUTHORITY.

(a) **IN GENERAL.**—Beginning [in Fiscal Year 2004 and thereafter,] on *January 1, 2006*, the Secretary of the Interior (“Secretary”) may establish, modify, charge, and collect fees for admission to a unit of the National Park System and the use of National Park Service (“Service”) administered areas, lands, sites, facilities, and services (including reservations) by individuals and/or groups. Fees shall be based on an analysis by the Secretary of—

(1) the benefits and services provided to the visitor;

(2) the cumulative effect of fees;

(3) the comparable fees charged elsewhere and by other public agencies and by nearby private sector operators;

(4) the direct and indirect cost and benefit to the government;

(5) public policy or management objectives served;

(6) economic and administrative feasibility of fee collection; and

(7) other factors or criteria determined by the Secretary.

(b) **NUMBER OF FEES.**—The Secretary shall establish the minimum number of fees and shall avoid the collection of multiple or layered fees for a wide variety of uses, activities or programs.

(c) **ANALYSIS.**—The results of the analysis together with the Secretary’s determination of appropriate fee levels shall be transmitted to the Congress at least three months prior to publication of such fees in the Federal Register. New fees and any increases or decreases in established fees shall be published in the Federal Register and no new fee or change in the amount of fees shall take place until at least 12 months after the date the notice is published in the Federal Register.

(d) **ADDITIONAL AUTHORITIES.**—Beginning on [October 1, 2003] *January 1, 2006*, the Secretary may enter into agreements, including contracts to provide reasonable commissions or reimbursements with any public or private entity for visitor reservation services, fee collection and/or processing services.

(e) **ADMINISTRATION.**—The Secretary may provide discounted or free admission days or use, may modify the National Park Passport, established pursuant to Public Law 105-391, and shall provide information to the public about the various fee programs and the costs and benefits of each program.

(f) **STATE AGENCY ADMISSION AND SPECIAL USE PASSES.**—Effective [October 1, 2003] *January 1, 2006*, and notwithstanding the Federal Grants Cooperative Agreements Act, the Secretary may enter into revenue sharing agreements with State agencies to accept their annual passes and convey the same privileges, terms and conditions as offered under the auspices of the National Park Passport, to State agency annual passes and shall only be accepted for all of the units of the National Park System within the boundaries of the State in which the specific revenue sharing agreement is entered into except where the Secretary has established a fee that includes a unit or units located in more than one State.

### SEC. 3. DISTRIBUTION OF RECEIPTS.

Without further appropriation, all receipts collected pursuant to the Act or from sales of the National Park Passport shall be retained by the Secretary and may be expended as follows:

(1) 80 percent of amounts collected at a specific area, site, or project as determined by the Secretary, shall remain available for use at the specific area, site or project, except for those units of the National Park